

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	Case No. 18-00153-01-CR-W-RK
)	
JOEL TUCKER,)	
)	
<i>Defendant.</i>)	

DEFENDANT'S MOTION TO CONTINUE TRIAL SETTING

COMES NOW the defendant, Joel Tucker, by and through his counsel, and respectfully moves this Honorable Court to continue the trial of this matter from the joint criminal docket of September 23, 2019, to the either week of the joint criminal docket of April 20, 2020. In support of this motion, the defendant offers the following memorandum in support:

MEMORANDUM IN SUPPORT

1. On May 21, 2019, the defendant was charged way of superseding indictment with 12 counts of interstate transportation of stolen money in violation of 18 U.S.C. § 2314, two counts of bankruptcy fraud in violation of 18 U.S.C. § 157, one count of falsification of record in bankruptcy in violation of 18 U.S.C. §§ 1519 and 2, one count of evasion of payment of taxes in violation of 26 U.S.C. § 7201, and a related forfeiture allegation.

2. Mr. Tucker was arraigned and has entered pleas of not guilty. The case remained on the joint criminal docket of September 23, 2019.

3. This is a complex case involving allegations of fraud as to the purchase and sale of debt as it relates to the statutes cited above. There is a significant volume of discovery that needs to be reviewed. Additional time is needed to consult with appropriate financial experts as to the issues.

4. Undersigned counsel was retained to represent Mr. Tucker just this week and filed a Notice of Appearance on August 30, 2019.

5. Undersigned counsel requires additional time to review discovery, meet with Mr. Tucker, in order to have meaningful discussions with the United States Attorney's Office and to prepare for trial. A continuance to April 2020, will allow for the parties to be fully prepared for trial, or in the alternative, to discuss a resolution of this matter without the need for trial. A continuance of the trial setting will allow for them to fully explore these options.

6. In light of the basis for the continuance request discussed above, the undersigned represents to the Court that as to defendant, the benefits of excluding the requested continuance for purposes of the Speedy Trial Act exceed the costs to defendant of not excluding such time.

7. As to the interest of the public, a trial will require significant costs including, but not limited to: (a) lost time and wages to a jury panel; (b) lost time and wages to the jury itself; (c) lost time to the government, including law enforcement, that

the government may have otherwise utilized to further its obligations to protect the public; and (d) lost time to the Court that the Court may have otherwise utilized to hear and to resolve various cases before it.

8. In light of these factors, the benefits to the public of excluding the requested continuance for purposes of the Speedy Trial Act exceed the benefits to the public of not excluding such time. Furthermore, the government does not oppose such exclusion.

9. In sum, the defendant's interests, the public's interests and the government's interests in granting the requested extension outweigh the interests of the same parties in not excluding such time pursuant to 18 U.S.C. § 3161(h)(8)(A). The defendant understands that by virtue of his filing of this motion, any period of delay granted by the Court shall be excluded in calculating the time within which his trial must commence pursuant to 18 U.S.C. § 3161(h)(1)(F) and hereby acknowledges and waives his right to a speedy trial.

10. Undersigned counsel has contacted Assistant United States Attorney Kate Mahoney, and she has no objection to a continuance of the trial now set for September 23, 2019, to either week of the joint criminal trial docket of April 20, 2020.

WHEREFORE, the defendant respectfully requests an Order from this Court granting his motion to continue the trial setting from the joint criminal docket of September 23, 2019, to either week of the joint criminal docket of April 20, 2020, and for any further relief deemed just and proper in the premises.

Respectfully submitted,

WYRSCH HOBBS & MIRAKIAN, P.C.

By: /s/ James R. Hobbs
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ATTORNEYS FOR DEFENDANT TUCKER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of August, 2019, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

/s/ James R. Hobbs

Attorney for Defendant